

FILED
IN CLERKS OFFICE

UNITED STATES DISTRICT COURT

District of Massachusetts 3:13

Civil Action No.: _____
U.S. DISTRICT COURT
DISTRICT OF MASS.

*

Kevin S. Clapp,
Plaintiff

*

v.

*

Defendants (see below) *

1. Governor Charles Baker, Governor of Massachusetts
2. Michael W. Morrissey, Norfolk County District Attorney
3. Colonel Richard McKeon, Massachusetts State Police (Retired)
4. Daniel Bennett, Secretary of Public Safety
5. Dana Pullman, President of the State Police Association of Massachusetts
6. Maura Healey, Massachusetts Attorney General
7. Colonel Kerry Gilpin, Massachusetts State Police
8. Martha Coakley, Former Massachusetts Attorney General
9. Mary A. Phillips, Assistant Attorney General Criminal Bureau
10. Jennifer Queally, Under Secretary of Public Safety
11. Sheriff Joseph D. McDonald, Jr., Plymouth County House of Correction and Jail
12. Judge Paul Dawley, Chief Justice of the District Courts
13. Judge Michael Vitali, Massachusetts District Court Judge
14. Judge Steven Thomas, Massachusetts District Court Judge
15. Judge Antoinette Leoney, Massachusetts District Court Judge
16. Daryl Manchester, Clerk of Courts, Wareham District Court
17. Chief John Crowley, Brockton Police Chief
18. William Carpenter, Mayor of Brockton
19. Timothy Donahue, Patrolman Detective, Brockton Police Department
20. Brian Donahue, Patrolman Detective, Brockton Police Department
21. Captain John Doe, Middleboro State Police Barracks
22. Arthur Tobin, Clerk of Courts, Quincy District Court
23. Lieutenant Porcaro, Brockton Police Department
24. Richard Savignano, Former Presiding Justice of Stoughton District Court (currently Deputy Assistant to Plymouth County)
25. District Attorney Timothy Cruz
26. Sergeant Cruz, Middleboro Massachusetts State Police Barracks
27. Dennis A. Maietta, Chief Probation Officer, Stoughton District Court
28. Omar Chapman, Assistant Chief Probation Officer, Stoughton District Court
29. Yves M. Barthelemy, Probation Officer, Stoughton District Court
30. Robin E. Vaughn, Clerk of Stoughton District Court
31. James Flanagan, First Assistant Clerk Magistrate, Stoughton District Court

- 32. Damon Barrelli, Assistant Clerk Magistrate, Stoughton District Court
- 33. Monica Jaco, Assistant Clerk Magistrate, Stoughton District Court
- 34. Edward Dolan, Massachusetts Commissioner of Probation
- 35. Lydia Todd, Massachusetts Deputy Commissioner of Probation
- 36. Diane Fasano, Massachusetts Deputy Commissioner of Probation Department (ELMO) Training Academy
- 37. Diane Richard, Program Manager of Massachusetts Probation Department (ELMO) Training Academy
- 38. Patty Gavin, Training Director of Massachusetts
- 39. Trooper John Doe, Middleboro State Police Barracks
- 40. Mr. Mark Brewster, Brewster Ambulance owner
- 41. Mr. George Brewster, Brewster Ambulance owner
- 42. Stephen Nickerson, Paramedic, Brewster Ambulance Co.
- 43. Joseph Dowicki, Paramedic, Brewster Ambulance Co.
- 44. Attorney Terrance McCarthy
- 45. Trooper John McCarthy, Brighton Massachusetts Barracks
- 46. Attorney Brenda Klein
- 47. Attorney Benjamin M. Lupatkin
- 48. Attorney Jill Klowden, Attorney in Charge for the Committee for Public Counsel Services, Public Defender Division
- 49. Attorney Anthony J. Benedetti, Chief Counsel for Public Counsel Services, Public Defender Division
- 50. Lt. Gerard R. Mattaliano, Mass. State Police Headquarters, Framingham
- 51. Lt. Michael Richards, Mass. State Police Headquarters, Framingham
- 52. Mr. Leo J. Murray
- 53. Trooper John M. Fanning, Homicide Detective, Norfolk County District Attorney's office
- 54. Trooper Vincent Noe, Detective, Middlesex County District Attorney's office
- 55. Trooper Ronald Solimini, Jr., (CAT) Team assigned to Community Action Team
- 56. Trooper Bruce J. Tobin, Norfolk County District Attorney's office
- 57. Trooper Andrew Da Silva, (CAT) Team Community Action Team
- 58. Trooper Andrew Mason, (CAT) Team Community Action Team
- 59. Trooper Brian P. Tully, Norfolk County District Attorney's office
- 60. Trooper Scott Kearns, Norfolk County District Attorney's office
- 61. Sgt. Brian Brooks, Norfolk County District Attorney's office
- 62. Police Chief Silva, Westwood Massachusetts Police
- 63. Officer Foley, Westwood Police Department
- 64. Officer Kathryn McCarron, Westwood Police
- 65. Sgt. Joseph Vinci, Westwood Police
- 66. Brian Hurley, Executive Director, Clark House, Westwood
- 67. Pam Martin, Director of Nurses, Clark House, Westwood
- 68. Jean Marie Carroll, Assistant District Attorney, Norfolk County (Quincy office)
- 69. Michael Connolly, Chief Prosecutor of Norfolk County
- 70. Attorney Kevin Mullen, Special Assistant Prosecutor for Norfolk County District Attorney's office
- 71. Paul Keenan, Quincy Police Chief

- 72. William Lanergan, Quincy Police Officer
- 73. Mark Smith, Quincy Police Officer
- 74. Thomas Connolly, Deputy of Security Operations for Massachusetts State Courts
- 75. Darrel Richardson, Manager of Security Operations for Massachusetts State Courts
- 76. Jeffrey Morrow, Director of Security Operations for Massachusetts State Courts
- 77. Harry Spence, District Court Administrator
- 78. Magdalena Dure, Licensed Practical Nurse, Clark House, Westwood
- 79. Jamise Silvest, Certified Nurse's Aide, Clark House, Westwood

COMPLAINT AND CLAIM FOR JURY TRIAL

JURISDICTION

1. Jurisdiction of this action arises under the Americans with Disabilities Act (ADA) 42 U.S.C. §12111, et seq. and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq. ("Title VII"). Further, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §1332.

2. Venus is proper in this Court in that this is the judicial district in which Plaintiff and Defendants reside and in which the relevant events occurred.

3. Plaintiff, Kevin S. Clapp ("Plaintiff") is an individual residing in Brockton, Plymouth County, Massachusetts and a citizen of the United States.

4. The Defendants all reside in Massachusetts and are citizens of the United States. They all are employees of the Commonwealth of Massachusetts except Defendant #52.

5. There is a two-year statute of limitations for a claim for the tort of negligence and a three-year statute of limitations for civil rights violation claims under 42 U.S.C. §1983. The incident happened to the Plaintiff on March 8, 2016. Please note a very large part of this action lies on negligence and the special damages are well over \$12 million and continuing, resisting arrest, charged with stalking, charged with 2 counts of threats to commit a crime to kill Trooper John Fanning and his wife.

6. Each one of the Defendants have violated the Plaintiff's constitutional rights, his civil rights and his human rights, and they have done so in a "reckless and careless disregard" for the Plaintiff's wellbeing and still continues to this day. Their acts are malicious and intentional. Prior to this incident, I was a disabled man under the Americans with Disabilities Act ("ADA") 42 U.S.C. §12111, et seq.

I have been permanently injured suffering serious injuries. The acts of the Defendants were intentional, malicious and/or done with reckless indifference to Plaintiff's rights. Plaintiff has been permanently injured and damaged by the Defendants' acts. The Plaintiff continues ongoing medical care for the rest of his life. The Plaintiff also believes that he was a target under the "Federal Whistle Blower Act" for investigating and reporting illegal large volumes of drug sales by politician children and grandchildren. The Plaintiff has overwhelming and credible

evidence that he was a marked target by the Defendants. The Defendant suffered severe intentional infliction of grave emotional stress, loss of hearing in right ear, fractured left foot and tendons, right arm displaced elbow fracture and severed the ulnar nerve with permanent loss of body function. I see a psychologist the rest of my life two times weekly. I am under the care of numerous doctors and require extensive surgery. The Defendant has been in financial ruins and is having his home foreclosed that he has lived in for over 12 years.

GENERAL ALLEGATIONS

POLICE BRUTALITY

1. On March 7, 2016, the State Police came to my home without any notice or any warrant. I was not home. They called me on the phone and demanded I get back to speak to them. I told them I would not speak to them without an attorney, a constitutional right. They threatened to harm me. The next morning, I called the State Police Headquarters in Framingham. They were very rude to me. I told them I wanted to file a complaint against several troopers. They were in a rage on the phone with me and hung up. This entire incident was how the State Police did nothing but lie. When my 99-year-old mother was beat up in a rehab center, I walked in and took photos of my mother crying. I have a report that said her beating happened and I took photos. I walked in on it, I slept in the next bed to my mother. I would not leave the next day. The police came and wanted to arrest me for sleeping there. Officer Foley from the Westwood Police threatened to arrest me for sleeping over. I told him it's the law. It's Massachusetts (CMR) code of Mass. Regulations. Anyone can stay over, relative or not, plus I am my mother's health care proxy. I tried to reason with them. He had the strong odor of an alcoholic beverage on his breath. I carried my mother to a wheelchair and took her to my home. I reported to the Mass. Attorney General's office who sent me a letter and phone number to call District Attorney Morrissey's office in Canton. At first, I had a nice woman and man trooper on the phone. They said they would look into it and to call back the next day. When I called back, they said they were told I could not call them anymore, they cannot do anything. Something was wrong because I have been family friends with a retired State Police officer, Lt. Rick Nagle, and he told me he was the head of the Elderly Abuse Unit. I kept pursuing. My mother never recovered from her beating and she bled out and died on November 21, 2013. I am determined to get justice for my mother. When I looked at her dead in the casket, I told her through my tears, I will get everyone who put you here through the legal system. I finally drove to Governor Baker's house who I campaigned for when my mother was alive. He took me into his kitchen and saw my phone photos of my mom and I cried. He hugged me and said, I will get justice for you but his wife said, "No, Charlie, it might hurt your run for governor." He slammed his fist on his granite center island and said, "I don't give a damn about being governor." But yet he never called me. Again, he could have cared less about my mother. I told him the second time I saw him that my mom died. He kept walking. I said, "Charlie, you must be a great son to your mom, why don't you stop the elderly abuse in this state? All you care about is the MBTA where all your votes come from." I told him the MBTA never ran right. It's an old broken system. I worked there and so did a lot of my family. I told him, Norfolk County Michael Morrissey is the person who wanted me beat up. He conspired with Arthur Tobin at Quincy Court because Tobin's son is Trooper Bruce Tobin who set up phony charges on me even using the wrong venue. They took out phony criminal charges on me because Trooper Fanning had his cousin who was drunk and drugged call two times to 911. I have the

tapes. First Leo Murry called me stoned and said my cousin John Fanning is the reason your mother's beating case went nowhere.

On Section 1983 of Title 42 of the U.S. Code, I believe I can prove to this Court that the Judges I listed to sue did in fact violate my constitutional rights to medical care. My surgeon wrote letters. I need an emergency MRI and you cannot have an ankle bracelet on. I was denied to have it removed. The Judge said, "I don't want to hear about your rights. Find another doctor." I did an emergency order to the SJC and within the week the Single Justice ruled for me to forthwith take off for MRI which my injuries were extensive.

Each and every Defendant violated my rights. I was made to walk with a broken foot for over a year to report weekly to Probation. The surgeon could not believe how I was treated. I was told I cannot drive or use my left foot and right arm and hand (I am right handed). The Judge and Probation Department said do it or go to jail. I have no previous record and I was a police officer and correction officer in the 1980's. My academy training you would be fired for doing this. I have my ankle bracelet still on. No trial, keep postponing to make me suffer. I urinate blood and blood clots from them kicking me. They stabbed me with my screwdriver they took from my car. They beat me with my seatbelt on. They cut me with a box cutter they took from my car on my back. They never identified themselves. I thought it was a carjacking. They broke my eyeglasses on my face and threw my hot coffee I had in the car all over me. They threw me head first stomach down into a State Police Explorer. Trooper Andrew Da Silva transported me and said, don't blame me, I am only the cab driver. This is all bullshit, you will be out tonight.

My ankle bracelet was rigged and I proved that. They said I was in New Hampshire and I had my bank ~~debit~~ card from Burger King in Waltham. I was with my 78-year-old brother. They are still trying to violate my pretrial release. They want me in jail not for anything I did but for what I know and that I want justice for my poor dead mother.

They waited 2 days to charge me with resisting arrest. I found out what I was charged with on my third day at Court at my arraignment. They would not tell me what I was charged with.

I have thought of suicide and tried it once. They are aware of it. After I was arrested, the State Police broke into my house. They had the keys to my car to open my garage and with no search warrant they got my door open with my screwdriver. They went from my garage to my kitchen and stole all my legal medications, and they admitted it saying I gave them permission. Why would I let them in my house? They kept the drugs so I would die. My brother had to argue to get them back. They are all legal. When my brother got to my house, there was 120 Percocets missing. They never sealed the bag or signed for it. The prosecutor wanted me on \$50,000 bail with no record. The Judge said, \$1,500 cash. They even took me to Brockton Court instead of Stoughton Court so I would have a default. The first night they took me to Plymouth Jail should have been Dedham. They did this on purpose then they said clerk magistrate said no bail for me. It was a lie. They conspired with the clerk. Other clerks told me I was bailable only under certain conditions. You're not bailable and I did not meet any of those conditions. When I called the clerk magistrate at Wareham Court, he hung up on me. Attorney

Terrance McCarthy told me that after I was beaten up and they ripped my leather coat and dragged me 65 feet down my driveway. Attorney McCarthy's son told his father to tell me that the word is out. "Clapp is a marked man with the State Police including my cousin Solimini," a state trooper. Then Attorney McCarthy told me that Assistant Clerk Bloom told him that Trooper Bruce Tobin called his father, Clerk Arthur Tobin, and said, "We got Clapp good last night." I wonder if Trooper Tobin calls his father on every arrest they make or just me. They were out to kill me, Your Honor.

I swear and affirm that I can prove to a jury in this Court that the Defendants did in fact violate my Fourth Amendment. It has been two years and no trials. It should be a trial one year from the arraignment. My Sixth Amendment was violated. They are untruthful with the venue making me go to trial in two counties. Amendment Eight was violated. My citizen rights that were violated was Section One.

My Fourteenth Amendment was violated. When I spoke to Lt. Porcorno at the Brockton Police because the State Police kept driving by my house and stopping, Lt. Porcorno said, "I am sorry, Kevin, but we have to work with those guys. We don't want to get on the wrong side of them."

The Ankle Bracelet Probation Department calls me all the time in the middle of the night. They made me walk in my underwear in a snowstorm in my backyard so they said they could get a better signal. I reported and wrote on my probation forms I am in fear. I had Verizon call trace and I was getting death threats. It went back to a telephone number of a State Trooper. Judge Leoney makes fun of me. She put on my pretrial release conditions that I have to stay away from the State Police. She wrote I cannot call them or talk to them. She told me to highlight it and tape it on my window. I am treated worse than a prisoner of war. Once I hit a curb and blew out my tire. I was getting chest pains while I was waiting for AAA to change the flat tire.

I had to point to the Judge's conditions in yellow highlighter marker. He ran my plate and drove off. Another time I ran out of gas, a Mass. State Trooper stopped to help me. He read my Judge's orders. He said, you're on a "BOLO" alert and left. I have no previous record and no history of violence. I do believe they want me dead. I wanted to turn this case over to the FBI Public Corruption Unit and the DEA because Attorney McCarthy told me that Arthur Tobin and U.S. Senator William Keating want me dead. I was an investigator and one case I had to report that when Senator Keating's car was stolen, I had to interview the two young men that did it. They told me he pulled up drunk so they were at his house in Quincy to buy drugs off his daughter and she was not there to sell them cocaine. So they stole his car to find her. Then it is a well-known fact that Arthur Tobin, the Clerk of Courts at Quincy Court, was told to retire and he said, "No, not unless you put my son Mark on." Every time I am in court, kids tell me that Arthur Tobin's granddaughter, I believe is Mark's daughter, is a drug kingpin. I have been told by so many people she is a big cocaine and heroin dealer. I even gave a ride to a man in 17 degree weather who told me without me even saying anything that he buys his drugs from Arthur Tobin's granddaughter. I was flagged down by this 38-year-old man. He ran out of gas. I took his name and phone number.

As a witness, I want this case referred to the U.S. Attorney's office for prosecution.

RELIEF SOUGHT

WHEREFORE, the Plaintiff prays that this Honorable Court enter such other and further relief as this Honorable Court may deem just, fair and proper. The Plaintiff demands Judgment against each of the Defendants for damages and court costs, any attorney fees, compulsory and punitive damages with statutory interest.

THE PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,



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Dated: March 6, 2018